

1 LAUREL I. HANDLEY (NV Bar # 9576)  
2 ANTHONY R. SASSI (NV Bar #12486)  
3 ALDRIDGE PITE, LLP  
4 520 South 4th Street, Suite 360  
5 Las Vegas, Nevada 89101  
6 Telephone: (858)-750-7600  
7 Facsimile: (702) 685-6342  
8 E-Mail: [asassi@aldridgepite.com](mailto:asassi@aldridgepite.com)  
9 *Attorneys for Plaintiff, CitiMortgage, Inc.*

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CITIMORTGAGE, INC.,

Plaintiff,

v.

HELP FOR HOMEOWNERS, INC. and  
JOSHUA LOHRMAN,

Defendants.

Case No. 2:17-CV-02738-RFB-VCF

**STIPULATION AND ORDER TO STAY  
ALL PROCEEDINGS**

COMES NOW, Plaintiff CITIMORTGAGE, INC. (“CitiMortgage”) and Defendants, HELP FOR HOMEOWNERS, INC. and JOSHUA LOHRMAN, (collectively “Defendants”), by and through their respective counsel of record, and hereby stipulate and agree as follows

1. On October 30, 2017, Plaintiff filed a Complaint, which included claims challenging the facial constitutionality of NRS 116.3116, as it existed prior to October 1, 2015, on the basis of due process and *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154, 1160 (9<sup>th</sup> Cir. 2016). (See ECF No. 1).

2. This Court has certified a question regarding NRS 116’s notice requirement to the Nevada Supreme Court in *Bank of New York Mellon v. Star Hill Homeowners Association, et al*, Case No. 2:16-cv-02561-RFB-PAL (ECF No. 41) (hereinafter the “Certified Question”).

3. In light of the Certified Question, this Court has stayed proceedings in a number of other cases challenging the facial constitutionality of NRS 116.3116. See e.g., *Wells Fargo Bank, N.A. v. SFR Investments Pool 1, LLC, et al*, Case No. 2:16-cv-02726-RFB-NJK (ECF No.

67); *Federal National Mortgage Association v. Martin*, Case No. 2:17-cv-00005-RFB-CWH (ECF No. 22 – Minute Order); *Park 1 at Summerlingate Homeowner’s Association v. Federal National Mortgage Association, et al*, Case No. 2:16-cv-00602-RFB-CWH (ECF No. 33 – Minute Order); *Bank of New York Mellon v. Star Hill Homeowners Association, et al*, Case No. 2:16-cv-02561-RFB-PAL (ECF No. 45); *Ditech Financial, LLC v. Vegas Property Services, Inc.*, Case No. 2:17-cv-03050-RFB-NJK (ECF No. 15).

4. “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes of action on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). “A trial court may, with propriety, find it is efficient for its own docket and the fairest course for the parties to enter a stay of an action before it, pending resolution of independent proceedings which bear upon the case.” *Leyva v. Certified Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9<sup>th</sup> Cir. 1979).

5. When determining whether a stay of proceedings is appropriate, the Court considers: (1) damage from the stay; (2) hardship or inequity that befalls one party more than the other; and (3) the orderly course of justice. *See Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9<sup>th</sup> Cir. 2007).

6. CitiMortgage and Defendants agree that any damage, damage or hardship from a stay of this matter is minimal at this point in time and that a decision on the Certified Question will help promote an orderly disposition of one of the main issues in this case, namely the facial constitutionality of NRS 116.3116.

7. CitiMortgage and Defendants agree that either party may move to lift the stay at any time if circumstances change or as each party may deem appropriate.

///

///

///

///

///

8. Accordingly, and consistent with the prior stay orders from this Court in the cases listed in paragraph 3, CitiMortgage and Defendants agree that all proceedings in the instant case, including discovery, dispositive motions, and any other litigation or case management deadlines, are stayed pending a final decision from the Nevada Supreme Court on the Certified Question.

IT IS SO STIPULATED AND AGREED this 15<sup>th</sup> day of February, 2018.

ALDRIDGE PITE, LLP

/s/ Anthony R. Sassi  
ANTHONY R. SASSI, ESQ.  
Nevada Bar No. 12486  
*Attorneys for Plaintiff CitiMortgage, Inc.*

THE WRIGHT LAW GROUP, P.C.

***/s/ John Henry Wright***  
**JOHN HENRY WRIGHT, ESQ.**  
 Nevada Bar No. 6182  
**CHRISTOPHER B. PHILLIPS, ESQ.**  
 Nevada Bar No. 14600  
*Attorneys for Defendants, Help for  
 Homeowners, Inc. and Joshua Lohrman.*

**IT IS SO ORDERED.**

  
U.S. DISTRICT COURT JUDGE

Dated: February 16, 2018